Opening salvos on copyright □ Striking a compromise on teletext □ NBC winds it up in L.A.

Broadcasting May 18

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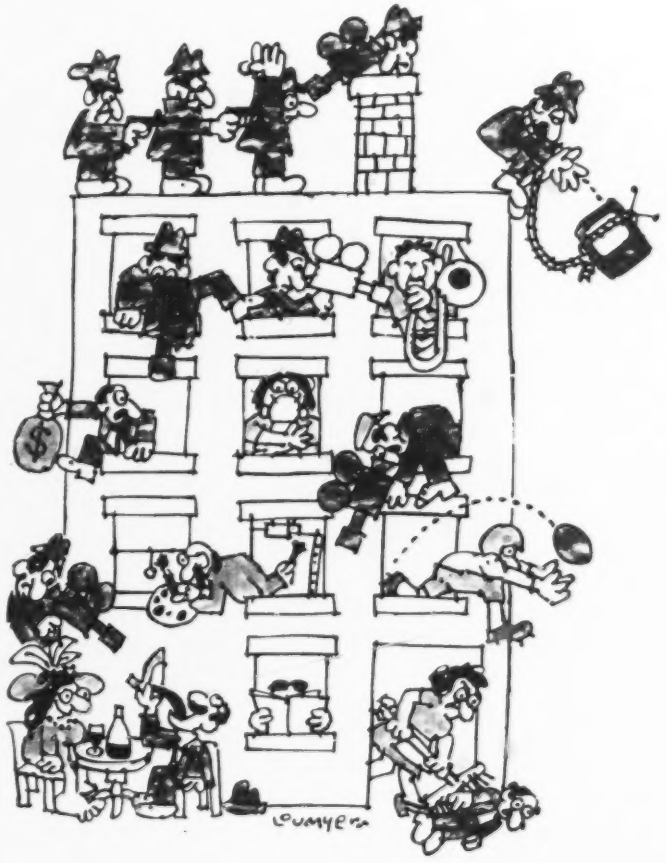

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The Week in Brief

TOP OF THE WEEK

NEW FCC ERA DAWNING ☐ Fowler to be sworn in today as chairman, Senate committee hearings slated Thursday on Dawson nomination, and Reagan expected to pick Rivera. **PAGE 27.**

TOGETHERNESS ON TELETEXT ☐ Compromise on standards for North America expected this week in Canada. CBS is principal matchmaker for AT&T, Canadian Telidon and French Antiope agreement that will be sharp blow to British Ceefax system. **PAGE 28.**

ABC REVAMPS AT TOP ☐ Severino becomes president of ABC-TV, reporting to Pierce; Cohen named Pierce's deputy, and Thomopoulos and entertainment division will relocate to Los Angeles. **PAGE 29.**

COPYRIGHT PRESSURE ON CABLE ☐ Foes of compulsory licensing for CATV continue their battle on Capitol Hill. **PAGE 30.**

REPORTING ANOTHER GRIM EVENT ☐ This time crisis squads at networks and stations give all-out coverage to last Wednesday's attempted assassination of Pope John Paul II. **PAGE 32.**

SHIFTING WINDS ON 9 KHZ ☐ With Fowler at FCC helm and Wunder named to head NTIA, adoption of Carter's pro-9 khz stance at Rio De Janeiro in fall may be in jeopardy. **PAGE 33.**

AT LARGE

NBC-TV LOOKS IN MIRROR That network's meeting with affiliates gets under way in Los Angeles. **PAGE 34.** Executive Vice President Ray Timothy discusses subjects of NBC-TV concern, ranging from NBC-TV's third-place ratings to DBS and station compensation. **PAGE 37.**

LAW & REGULATION

MARKETPLACE REGULATION ☐ NBC's Dunham says it is wise and good, but stresses there are areas in which it should be approached in deliberate, planned manner. **PAGE 45.**

PROGRAMING

CBS'S CABLE PROGRESS ☐ New president announces delay of start to Oct. 12, formal commitment to Westar III transponder 6 for distribution to systems, and 12-hour daily schedule. **PAGE 56.**

TECHNOLOGY

THINGS TO COME ☐ AWRT panelists brainstorm about evolving shape of telecommunications. **PAGE 63.**

MEDIA

CBS-TV'S REASSURANCES ☐ Affiliates at Los Angeles meeting are told not to fear new media and that network will withstand pressures while it seeks quality programing. **PAGE 66.** Wyman and Shephard detail network's prime-time schedule that will emphasize new stars and series. **PAGE 67.** Affiliates get report on improved audience demographics and look at promotion plans. **PAGE 68.** Leonard dangles some CBS News goodies. **PAGE 69.** Jankowski says inroads of new technologies are being overstated and that audience will follow programing. **PAGE 69.**

BUSINESS

NEW VISTAS ☐ Kluge explains to stockholders that sale of Figi is prelude to revised directions for Metromedia. **PAGE 75.**

JOURNALISM

TURNER PUTS UP DUKES ☐ Cable News Network files suit against three major TV networks and White House, alleging CNN was squeezed out of pool arrangements. He also wants congressional probe of networks and movie industry for "polluting" country. **PAGE 78.**

1961

THE 'BROADCASTING' YEARS ☐ John F. Kennedy's New Frontier took over in Washington, and his new FCC chairman, Newton Minow, promptly made waves with a "Vast Wasteland of TV" speech. It also was the year when Senator Thomas Dodd's subcommittee began lengthy hearings into TV violence, an exercise that resulted in more headlines than tangible results. **PAGE 83.**

PROFILE

HORN'S CORNUCOPIA ☐ As president of Tandem Productions, Alan Horn finds deep satisfaction in being part of a free-wheeling creative community that works hard to make dreams come true. **PAGE 111.**

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and 40% con.

Rose explained that "in this case, language is an integral part of the story." And he added that the station felt the public would accept much of the dialogue since "The Deer Hunter" won "many Academy Awards including Best Picture and was such a box-office draw."

The new WCLQ-TV Cleveland received about 500 complaints when it used the film March 3, 4, 5 and 6. However, Pat Brady, general manager, said that the number has to be put in the perspective of a half-million viewers said to have watched. WCLQ-TV, a subscription-television operation at night, went on the air March 3 and in an initial free offering ran the movie.

Brady said the controversy of airing the movie was worth $250,000 to $500,000 in publicity as it was covered on local TV magazine covers, radio interviews and elsewhere. In presenting the film, Brady explained, the word "motherfucker" was edited out; however, "fuckin' A" was used because that was just about the only thing one character said.

KCPQ(TV) Seattle (Tacoma), a broadcast television station, also used "The Deer Hunter" when it went on the air for the first time, last Nov. 4. Bob Kelly, part owner and film buyer, said he was "surprised" that response was as favorable as it was: about nine to one, and that it rated fairly well. KCPQ did not edit the film and Kelly said it was an exception to the type of material KCPQ presents.

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Ratings Roundup

Call it a draw between ABC-TV and CBS-TV for the week ended May 10. While NBC-TV lagged by a 1.3 rating and 2 share points, its two network rivals tied at a 16.5 rating/28 share.

Nevertheless NBC had the top-rated program—part two of the made-for-TV movie, *Murder in Texas*, (26.8/41) on Monday. With *Little House on the Prairie* (17.7/29) preceding *Murder*, NBC also had the week's strongest nightly average: 23.8/37.

Night-by-night, ABC won Tuesday, Thursday, Friday and Saturday; NBC took Monday and Wednesday, and CBS, while tied for first on the whole week, topped its competitors only on Sunday.

ABC claimed its first Friday win of the 1980-81 season and post-season as its *Battle of the Network Stars* (19.3/34) knocked a two-hour rerun of *Dallas* (17.3/30) out of its usually unassailable position.

In other ratings, NBC suffered with its two-night presentation of *The People vs. Jean Harris*, scoring only a 12.4/20 for Thursday's two-hour opener and an even lower 10.4/18 for Friday's hour conclusion. ABC also had a problem special with its *Sixty Years of Seduction* (12.9/20) against *Murder in Texas*. With its movies, CBS had mixed results. Tuesday's *Broken Promise* brought a 21.0/34 and Wednesday's *Gentleman Bandit* also won its time slot with an 18.5/30. A rerun of "The Exorcist," taking all but a half-hour of Saturday prime time, however, performed poorly with a 12.0/22.

The First 20

1.	*Murder in Texas* (movie, Part II)	NBC	26.8/41
2.	*M*A*S*H*	CBS	23.2/34
3.	*Love Boat*	ABC	21.3/38
4.	*Three's Company*	ABC	21.2/34
5.	*Diff'rent Strokes*	NBC	21.1/34
6.	*Broken Promise* (movie)	CBS	21.0/34
7.	*60 Minutes* (R)	CBS	20.5/40
8.	*Nurse*	CBS	20.5/34
9.	*Facts of Life* (R)	NBC	20.4/32
10.	"The Main Event" (movie)	ABC	20.1/33
11.	*Laverne & Shirley*	ABC	19.5/33
12.	*20/20*	ABC	19.4/32
13.	*Battle of the Network Stars* (Special)	ABC	19.3/34
14.	*Too Close For Comfort*	ABC	19.3/30
15.	*CHiPs*	NBC	19.2/33
16.	*Fantasy Island*	ABC	19.0/34
17.	*Real People*	NBC	19.0/32
18.	*House Calls* (R)	CBS	19.0/28
19.	*Happy Days*	ABC	18.7/34
20.	"The Gentleman Bandit" (movie)	CBS	18.5/30

The Final Five

64.	*Nero Wolfe*	NBC	10.6/18
65.	*The People vs. Jean Harris* (special part II)	NBC	10.4/18
66.	*Pink (Panther) At First Sight* (special)	ABC	9.5/18
67.	*Gangster Chronicles*	NBC	9.2/16
68.	*Benji at Marineland* (special)	ABC	8.7/16

In Contest

FCC decisions

■ FCC denied Mr. and Mrs. Robert L. Miller review of Broadcast Bureau's action denying their complaint against WFPL(FM) Louisville, Kan. They allged that commentary by WFPL on its "One Issue Politics" program was personal attack on character of local "Right to Life of Louisville" organization and they requested time to rebut attack. According to Millers, commentary attacked "Right to Life of Louisville" as being "un-America," violent in its lobbying and having "so called" morals. In denying complaint, Broadcast Bureau said that WFPL was not singling out Louisville group but made generic reference to many groups using "right to life" label as their reason for being. Broadcast Bureau noted that label is accepted reference to anti-abortion groups in general and should not be construed as specifically targeted at "Right to Life of Louisville" or any other individual and organization. Action April 9.

■ ALJ Thomas B. Fitzpatrick decided not to revoke licenses of Booth American Company's stations WJLB(AM)-WMZK(FM) Detroit. Stations were designated for hearing on issues of delegating responsibility, payola, plugola, conflict of interests and misrepresentation and/or lack of candor. After account appeared in local paper that music director/DJ at WJLB engaged in plugola/payola, Booth told FCC it would conduct investigation, and subsequently filed report in 1978 pointing out own abuses by employee who broadcast selections in which he had financial interests. ALJ noted that although implementation of licensee's conflict of interest policy could have been more vigorous, report filed was sufficient in its self-evaluation of incident and, further, proposed new policy procedures to safeguard against such occurrences. Ann. May 5.

■ ALJ Thomas B. Fitzpatrick granted applications of WLST(FM), WMAM(AM) and WCJL(AM), all Marinette, Wis. for license renewal. Renewals were set for hearing on March 5, 1980, to determine whether licensees engaged in anticompetitive practices by combining or conspiring to arrange their advertising rates since all three charged exact same rates. Judge Fitzpatrick said there was no evidence of conspiracy and licensees had fully explained their actions in setting advertising rates for stations. He said they satisfactorily explained economic and other business factors that were basis for their independent pricing activities. This initial decision becomes effective in 50 days unless there is an appeal within 30 days or FCC moves for review.

■ FCC denied petition of Department of Communications of the Capitol Region Conference of Churches, the Communications Management Team of the Christian Conference of Connecticut and eight individuals for reconsideration of FCC order designating WHCT-TV, Hartford, Conn., for hearing. WHCT-TV was designated for hearing in series of FCC actions dealing with two other stations licensed to Faith Center—KHOF-TV, San Bernardino, and KVOF-TV, San Francisco, both California. Commission designated KHOF-TV's 1977 renewal application for hearing on questions of fraudulent over-the-air fundraising and failure to cooperate with FCC's investigation. Consequently renewal applications for KVOF-TV and WHCT-TV were placed on deferred status. Faith Center petitioned for distress sale of all three stations to resolve hearing proceeding. Before commission acted on distress sale proposal, presiding judge dismissed KHOF-TV application for failure to prosecute. In November 1980 FCC affirmed dismissal of renewal of KHOF-TV and denied distress sale for all three stations. FCC required Faith Center to file supplemental renewal application for KVOF-TV and thus open "window" for filing of competing mutually exclusive applications, while WHCT-TV was designated for hearing immediately, precluding filing of competing applications. Connecticut group complained that supplemental renewal should have been required and competing applications entertained for WHCT-TV as well as for KVOF-TV. In denying reconsideration, FCC said it was able to decide to designate for hearing before Faith Center's deadline for filing supplemental renewal application for WHCT-TV. It noted it would therefore not have to waive applicable rules and policies to grant requested relief. Action May 7.

■ FCC granted American International Development Inc. CP for new FM with specialized programing for Spanish-American community at Phoenix, Ariz. In so doing, it denied Herbert W. Owens' and KXIV Inc's applications. Another application, Radio Phoenix Inc., was dismissed in 1978. Grant of America's application affirmed 1979 Initial Decision and overturned a finding of FCC Review Board in order released Dec. 18, 1979. Finding involved alleged nongenuine signatures of majority principal, a blind woman, Mrs. Julia Zozaya. Commission found disputed signatures did not involve misrepresentation, after all. Action May 7.

■ FCC affirmed ALJ John H. Conlin's initial decision that Lewell Broadcasting Inc., licensee of WDRK(FM) Greenville, Ohio, is unqualified to remain licensee because of repeated and deliberate technical violations. Accordingly, FCC granted Korin Broadcasting's competing application for new FM. ALJ Conlin, in initial decision released October, 1979, found WDRK responsible for several technical violations and repeated lack of responsibility. Moreover, WDRK was granted short-term license renewal in 1971 on promise that it would reform. Although Lewel made oral argument before FCC on exceptions to initial decision, commission upheld ALJ's initial decision. Action May 7.

■ FCC denied petition by Bay Area Black Media Coalition to deny license renewal of KTVU-TV Oakland, Calif. Coalition said KTVU did not give equal employment opportunity to blacks in community, as required by FCC rules. In petition, Coalition said blacks made up half of Oakland's population and 17% of San Francisco-Oakland area population. They went on to point out that only 9.5% of station's managerial employee's are black. In response, KTVU claimed statistics used by Coalition were irrelevant. KTVU said most recent data showed blacks to be 13.3% of total population of San Francisco-Oakland area and that basis for EEO guideline is available workforce population, not total population. KTVU asserted available black workforce for the area is 9.5%, and said station meets that. Action May 7.

■ FCC affirmed its Nov. 25, 1980 action denying Harold A. Jahnke stay of ruling which denied his request for extension of time to build KQHJ(FM) Hampton, Iowa. Hahanke's petition requested stay of FCC's decision which sustained Review Board ruling pending disposition of case before U.S. Court of Appeals for District of Columbia. On July 17, 1980, FCC upheld Review Board decision which found Jahnke had not proceeded with diligence to construct proposed station. Review Board said construction was not prevented by circumstances beyond his control, and extending completion date would not be in public interest. Action May 7.

■ FCC denied petition of Faith Center Inc. for reconsideration of order dismissing Faith Center's renewal of its license to operate KHOF-TV San Bernardino, Calif., and denying distress sale relief for that station. Faith Center's renewal for KHOF-TV was designated for hearing in October 1978 in response to allegations that licensee had engaged in fraudulent over-the-air fundraising in violation of federal wire fraud statute and had failed to cooperate with FCC investigation of these allegations. After Broadcast Bureau served three sets of discovery requests on Faith Center, ALJ concluded that licensee's repeated inadequate responses revealed pattern of bad faith and obstructive conduct. Commission affirmed ALJ's conclusion. Action May 7.

■ FCC, by Chief of Cable Bureau, fined Warner-Amex Communications $1,000 for its failure to report transfer of control from Western Arizona CATV of CARS Station WJS-20 on October 16, 1979. Although Warner-Amex voluntarily reported transfer of control of that station, it did so two months after consumation of sale. Adopted April 15.

■ FCC renewed license of WXGI(AM) Richmond, Va., for remainder of regular license renewal period expiring October 1. WXGI was granted short-term renewal on October 10, 1979, for not taking affirmative action to hire blacks in full-time positions. This was second time that FCC imposed sanctions on station. However, recognizing WXGI's affirmative action in recruiting blacks since then and its continuing efforts to recruit and train them for future vacancies, FCC renewed license for remainder of renewal term expiring October 1. Action May 7.

Designated for hearing

■ Covington, Ind. **FM proceeding** (Doxa Inc. and Covington Area Broadcasters Inc.)—ALJ Lenore G. Ehrig designated ALJ Joseph Chachkin as presiding judge; scheduled prehearing conference for June 19 and the hearing for July 27 at 10 AM (BC Doc. 81-268-9). Action April 23.

■ Havre, Mont. **FM proceeding.**(Triangle Broadcasting Co., et al)—ALJ Lenore G. Ehrig designated ALJ Thomas B. Fitzpatrick as presiding judge; scheduled prehearing conference for June 25 and the hearing for July 27 at 10 AM (BC Doc. 81-256-8). Action April 23.

■ Evanston, Ill. **FM proceeding** (Broadcast Communications, Inc. and Genesis Broadcasting Limited)—ALJ Lenore G. Ehrig designated ALJ Edward J. Kuhlmann as presiding judge and scheduled prehearing conference for June 17 at 9 a.m. and hearing for July 28 at 10 a.m. in Evanston, Ill. (BC Doc. 81-157-158). Action April 20.

■ Penn Yan and Cazenovia, N.Y. **AM proceeding** (Broadcast Facilities and AGK Communications; Inc.) ALJ Lenore G. Ehrig designated ALJ Joseph Stirmer as presiding judge and scheduled prehearing conference for June 19 at 9 a.m. and hearing for July 22 at 10 a.m. (Action April 20.

■ Incline Village, Nev. **FM proceeding** (Incline Broadcast Services Inc. and North Lake Tahoe Broadcasting Co.)—ALJ Lenore G. Ehrig designated ALJ James F. Tierney as presiding judge and scheduled prehearing conference for June 15 at 9 a.m. and hearing for July 16 at 10 a.m. Action April 20.

■ Elizabeth City, N.C. **FM proceeding** (North Carolina Radio Service Inc., et al.)—Designated ALJ John H. Conlin as presiding judge and scheduled prehearing conference for June 24 at 9 a.m. and hearing for August 5 at 10 a.m. Action April 20.

■ Northstar Communications and Kravetz Media Corp. for new station in multipoint distribution service at Hagerstown, Md.; to determine relative merits of each proposal with respect to efficient frequency use, particularly with regard to competibility with co-channel use in nearby cities and adjacent channel use in same city; anticipated quality and reliability of service proposed, including installation and maintenance programs; and comparative cost of each proposal considered in context with benefits of efficient spectrum utilization and the quality and reliability of service as set forth in first two issues (CC Doc. 81-304-05). Action April 29.

■ Quality Media Corp. Birmingham Family Television

Summary of broadcasting

FCC tabulations as of March 31, 1981

	Licensed	On air STA*	CP's on air	Total on air	CP's not on air	Total authorized**
Commercial AM	4,601	3	5	4,609	109	4,718
Commercial FM	3,308	2	5	3,315	149	3,464
Educational FM	1,096	0	0	1,096	71	1,167
Total Radio	9,005	5	10	9,020	329	9,349
Commercial TV						
VHF	521	1	0	522	6	528
UHF	239	0	0	239	95	334
Educational TV						
VHF	102	1	3	106	7	113
UHF	156	2	4	162	17	179
Total TV	1,018	4	7	1,029	125	1,154
FM Translators	354	0	0	354	214	568
TV Translators						
UHF	2,596	0	0	2,596	237	2,833
VHF	1,395	0	0	1,395	492	1,887

*Special temporary authorization

**Includes off-air licenses